The opinion in support of the decision being entered
today was <u>not</u> written for publication and is <u>not</u> binding
precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte DENNIS FRANK HAYNES,
STEPHEN ERIC JAFFE and
DELLENA WYMAN PRIESTER

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Appeal No. 2006-0773
Application 09/845,362

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ON BRIEF

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Before OWENS, GROSS and NAPPI, *Administrative Patent Judges.*
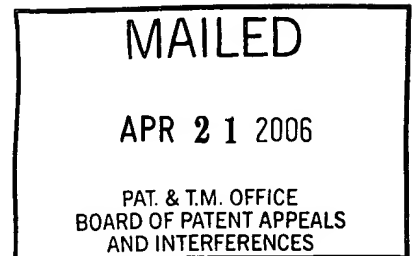
OWENS, *Administrative Patent Judge.*

DECISION ON APPEAL

This appeal is from a rejection of claims 1-4 and 13-28.

Claims 5-12 have been canceled.

THE INVENTION

The appellants claim a system and method for managing an

electronic commerce shopping cart.

Claim 1 is illustrative:

A method for managing an electronic commerce(e-commerce) shopping cart relating to communication between a shopper and a server over a communication network, said method comprising the steps of:

determining by the server whether a shopping command of the shopper has changed an attribute of a primary item in the shopping cart;

after the server has determined that the shopping command has changed the attribute of the primary item in the shopping cart, identifying by the server a secondary item in the shopping cart linked to the primary item; and

changing by the server a corresponding attribute of the secondary item in response to the change in the attribute of the primary item.

THE REFERENCES

Henson	6,167,383	Dec. 26, 2000
Chandramohan et al.	6,711,619	Mar. 23, 2004
(Chandramohan)		(filed Dec. 15, 1999)

THE REJECTIONS

The claims stand rejected as follows: claims 1-4, 14-22 and 24-28 under 35 U.S.C. § 102(e) as anticipated by Henson, and claims 13 and 23 under 35 U.S.C. § 103 as obvious over Henson in view of Chandramohan.

OPINION

We reverse the aforementioned rejections. We need to address only the independent claims, i.e., claims 1 and 19.

Claims 1 and 19 require that a server identifies a secondary item in a shopping cart linked to a primary item in the shopping cart, and changes a corresponding attribute of the secondary item in response to a change in an attribute of the primary item.

Henson discloses an online store user interface for enabling custom configuration, pricing and ordering of a computer system via the Internet (col. 1, lines 18-21). A user can edit or delete contents of a shopping cart, and merchandising recommendations such as upgrade or cross-sell recommendations can be provided to the user based upon the contents of the shopping cart (col. 9, lines 49-60; col. 10, lines 7-16).

The examiner argues (answer, pages 8-9):

In Henson, commerce application 14 comprising the configurator and cart teaches the step of determining by the server whether a shopping command of the shopper has changed an attribute of a primary item in the shopping cart, after the server has determined that the shopping command has changed an attribute of the primary item in the shopping cart, identifying by the server a secondary item in the shopping cart linked to the primary item, and changing by the server a corresponding attribute of the secondary item in response to the change in the attribute of the primary item (see col. 15, lines 31-45 and col. 3, lines 12-29 which teach that the configurator, which is part of the commerce application 14, everything including

> the computer system [primary item], its add-on options
> which correspond to the claimed secondary items is
> specific to a given computer system [primary item] and
> therefore when a user wants to change the computer system
> the configurator would change both the primary item and
> the add-on options to the changed computer system[)].

The portions of Henson relied upon by the examiner disclose that 1)
a configurator provides merchandising recommendations for add-on
options, 2) everything in the configurator is specific to a given
computer chassis and universe of options within that chassis, and 3)
if a user wants to switch to a different chassis the user must exit
the configurator, go back to the welcome page, and select a new
chassis and its universe of options.

The new universe of options presented to Henson's user when the
user switches to a different chassis are not in the user's shopping
cart. Henson does not disclose that when the user switches to the
different chassis, a server changes an attribute of a secondary item
in the shopping cart as required by the appellants' claims.

The examiner does not rely upon Chandramohan for any disclosure
that remedies the above-discussed deficiency in Henson, and does not
explain how the applied references would have fairly suggested the
above-discussed claim requirement to one of ordinary skill in the
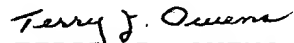art.

The examiner, therefore, has not carried the burden of establishing a *prima facie* case of anticipation or obviousness of the appellants' claimed invention.

DECISION

The rejections of claims 1-4, 14-22 and 24-28 under 35 U.S.C. § 102(e) over Henson, and claims 13 and 23 under 35 U.S.C. § 103 over Henson in view of Chandramohan, are reversed.

REVERSED

TERRY J. OWENS   )
Administrative Patent Judge)
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)
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ANITA PELLMAN GROSS   ) BOARD OF PATENT
Administrative Patent Judge)   APPEALS AND
)   INTERFERENCES
)
)
ROBERT E. NAPPI   )
Administrative Patent Judge)

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